
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MARTAZE D. HAMMOND,

Petitioner,

versus

JODY R. UPTON,

Respondent.

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CIVIL ACTION NO. 1:10-CV-334

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Martaze D. Hammond, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to a United States Magistrate Judge at Beaumont, Texas for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the above-styled petition should be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Petitioner’s objections are without merit.

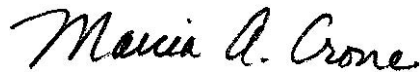
Petitioner failed to exhaust all steps of the available administrative grievance procedure before bringing this petition. Thus, Petitioner’s claims should be dismissed for failing to exhaust

administrative remedies. *See United States v. Setser*, 607 F.3d 128, 133 n.3 (5th Cir. 2010); *Rourke v. Thompson*, 11 F.3d 47, 49 (5th Cir. 1993).

ORDER

Accordingly, Petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 4th day of March, 2012.

A handwritten signature in cursive script that reads "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE